NRCB | Natural Resources Conservation Board

Natural Resources Conservation Board

Year-in-review

fiscal 2004/05

In 2004-05, NRCB inspectors and approval officers logged more than 463,000 kilometres inspecting farms and operations throughout the province.

Environmental protection at the forefront

Protecting the environment for future generations is a priority for Albertans, and is shared by the staff and board members of the Natural Resources Conservation Board (NRCB). Many of the employees and board members of the NRCB have educational or practical backgrounds in the application of environmental standards, and are dedicated to ensuring that potential risks to the environment are carefully examined as part of any decision or order they issue. Profiles of the NRCB board members (see page 4) demonstrate the broad range of expertise within the organization at the board level. This level of expertise is reflected in the organization's staff including the applications and compliance divisions.

The board is responsible for administering two acts that set out mandatory requirements that must be met before projects can proceed: the *Natural Resources Conservation Board Act* (NRCBA), and the *Agricultural Operation Practices Act* (AOPA).

While the NRCB does not monitor or enforce environmental standards for natural resource industries under the NRCBA, the board's mandate requires it to give serious consideration to the environmental impact assessment during the project review stage. The board may set conditions in approvals to ensure the environment is protected.

In contrast, the *Agricultural Operation Practices Act* does set standards that protect the environment from risk of contamination and it empowers the NRCB with the regulatory authority to enforce and monitor compliance with the standards in the Act. In fact, the Act states that a risk to the environment or an inappropriate disturbance to the community must be addressed.

Operators who meet the standards of AOPA are helping protect the environment in both the short and long term. For example, this year-in-review includes photos of two operators whose efforts to meet AOPA standards have resulted in improved environmental protection (see pages 6-7).

Whether reviewing applications or inspecting operations, NRCB field staff consult with other agencies that have regulatory roles in the confined feeding industry, including regional health authorities, Alberta Environment, Alberta Agriculture, Food and Rural Development and Alberta Transportation. In addition, NRCB field staff or board members may request scientific expertise from the board's science and technology division.

Inspectors find that most confined feeding industry operators are concerned about environmental sustainability, and are willing to make the needed changes when a concern is brought to their attention. However, an inspector can issue an enforcement order for significant issues of non-compliance or risk to the environment, or if an operator appears unwilling to make necessary changes. An emergency order is issued when environmental risk is imminent and steps must be taken immediately to prevent contamination.

Message from the Chairman

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Who we are ... and what we do

18-month-old Jayden Meijer with one of grandpa's turkey chicks, Pine Valley Turkey Farm

Who we are

The Natural Resources Conservation Board (NRCB) is a quasi-judicial agency of the Government of Alberta that reviews proposed natural resource industry projects and regulates confined feeding operations. The NRCB reports to the Minister of Sustainable Resource Development and administers the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act*.

The *Agricultural Operation Practices Act* is provincial legislation that falls under Agriculture, Food and Rural Development. The NRCB is mandated by the Act to review applications for confined feeding operation permits, to monitor and enforce compliance with the Act and permit conditions, and to conduct hearings to review decisions.

The NRCB has memorandums of understanding with both ministries.

The NRCB has a total staff of 45, including six board members.

What we do

In addition to the board members, who conduct reviews and set policy, the NRCB has three core divisions: Applications, Compliance and Enforcement, and Law and Reviews. Although their activities are distinct, the divisions have one thing in common – making balanced decisions in the public interest.

To better serve Albertans, the board has field staff who work out of four regional offices: Fairview, Lethbridge, Morinville and Red Deer.

Who we serve

The board serves all Albertans. We work closely with:

- Alberta's livestock industry
- Communities
- Municipal governments
- Environmental non-government organizations
- Government agencies and departments

Applications division

Back row (left to right): **Randy Bjorklund**, approval officer; **Bev Brezina**, applications coordinator; **Myndy Machan**, approval officer; **Scott Cunningham**, approval officer; **Andrea Brack**, approval officer; **Vince Murray**, approval officer.
Front row (left to right): **Orin Kenzie**, approval officer; **Andy Cumming**, director; **Sandi Roberts**, approval officer.

Compliance and Enforcement division

Back row (left to right): **Alasdair MacKinnon**, inspector; **Doug Beddome**, inspector; **Jim McKinley**, inspector; **Andy Wierenga**, inspector; **Tim Jespersen**, inspector; **Kai Ma**, inspector; **Kevin Seward**, inspector.
Front row (left to right): **Karl Ivarson**, inspector; **Barb Hazelton**, inspector; **Alex Bolton**, director.

106-00096/

Alberta farm near foothills

What is an AOPA permit?

The NRCB issues three kinds of permits. The type of permit depends on the nature of the activity and the number of animals, animal species and changes in the number of animals:

- *Registrations* are permits for smaller operations.
- *Approvals* are permits for larger operations.
- *Authorizations* are permits for manure storage facilities.

When should you contact the NRCB?

If you are a member of the public ...

- If you have a concern about a local confined feeding operation, or the storage and handling of manure on any kind of operation, you can call the NRCB's toll-free, 24-hour response line: 1-866-383-6722. Inspectors respond to every call. In many cases, they'll check out the concern in person, talk to the operator, and ensure that environmental and public interests are protected. They'll also let you know what action has been taken.

- If you want to request a board review of an NRCB approval officer's decision, you have ten working days from the date the decision was issued to contact the NRCB in writing, listing the reasons you are requesting the review.

If you are a confined feeding operator ...

- If you're considering building or expanding a confined feeding operation or manure storage facility, you need to obtain a permit before you start construction. Contact any of our regional offices for information (see back cover).

- If you have a question about the legislation, our regional office staff will be glad to help. See the back cover for contact information.

- If you want to request a board review of an NRCB approval officer's decision, you have ten working days from the date the decision was issued to contact the NRCB in writing, listing the reasons you are requesting the review.

- Operators may also request a board review of an inspector's decision. To request a review, contact the NRCB in writing listing the reasons you are requesting the review.

- If you have a development permit issued before 2002 and you would like to amend one or more of its conditions, contact one of our approval officers in the regional office closest to your operation (see back cover).

- If you apply, transfer, or receive more than 500 tonnes of manure per year, you are required by the *Agricultural Operation Practices Act* to keep records. Contact your local regional office for information and advice.

Applications division

Approval officers review applications for new or expanding confined feeding operations.

Their decisions are based on the information provided by the livestock operator, the requirements of the *Agricultural Operation Practices Act* and any environmental, social or economic concerns that may be expressed to the approval officer in writing by neighbours, the municipality, Alberta Environment, the regional health authority and Alberta Transportation. When reviewing applications, approval officers may also request scientific assessments from engineers, agrologists, and the experts in the NRCB's science and technology division.

The applications division has seven approval officers and a director.

Law and Reviews division

The law and reviews division helps stakeholders participate in and understand reviews conducted under the *Agricultural Operation Practices Act* and the *Natural Resources Conservation Board Act*. In addition, the division provides support to board members and field staff on these reviews to promote an efficient and effective decision process. Where appropriate, the division coordinates mediation and facilitation of issues.

Compliance and Enforcement division

NRCB inspectors inspect board-approved operations and operations that received municipal permits before the *Agricultural Operation Practices Act* came into effect, to ensure compliance with the Act, the regulations and individual permit conditions.

Inspectors also respond to complaints and inquiries from the public or other agencies and assess operations for compliance with the Act at the request of owners who plan to sell or apply for financing. They work closely with regional health authorities, municipalities, Alberta Environment and other regulatory bodies to investigate potential risks to the environment and ensure that all relevant legislation is being complied with.

The division has nine inspectors and a director.

Two handy guides to assist livestock operators are available at all NRCB offices or at www.nrcb.gov.ab.ca

- *NRCB Guide to the Application Process*
- *How to Complete an Application for an NRCB Permit*

Board reviews

Steers at an Alberta feedlot

NRCB board members

Gordon Atkins

veterinarian, livestock breeder

Gordon is a native Albertan from a dairy farm near Calgary. Gordon has practiced large-animal veterinary medicine for over 30 years and breeds Holstein and Angus cattle. He is a member of the Alberta, Canadian and American Veterinary Medical Associations and the Western Association of Bovine Practitioners. Gordon speaks at national and international conferences, is an official judge with Holstein Canada and has judged major dairy shows throughout the world.

Wayne Inkpen

biologist

Wayne has worked for more than 30 years with Alberta Environment and Alberta Agriculture on the management of hazardous chemicals and municipal and industrial wastes, as well as on environmental and land use issues facing the agricultural industry. Wayne helped develop waste management programs and environmental legislation, including the *Environmental Protection and Enhancement Act* and the *Agricultural Operation Practices Act*.

Sheila Leggett

agrologist, environmental consultant

Sheila has more than 25 years of experience in the field of environmental sciences. Sheila's experience includes environmental research that has led to provincial and federal policy development, and the design and implementation of contaminated site remediation programs. Sheila has an M.Sc. in Biology and is registered as both a Professional Biologist and a Professional Agrologist.

Maureen Schwab

cattle producer, former reeve

Maureen has been involved in municipal politics and the agricultural industry for many years. She is a former councillor and reeve of the M.D. of Brazeau, served on the Agricultural Service Board as a farmer representative and was a director of the West Central Air Shed Society. Maureen owns and operates a purebred cattle business near Drayton Valley.

Jim Turner

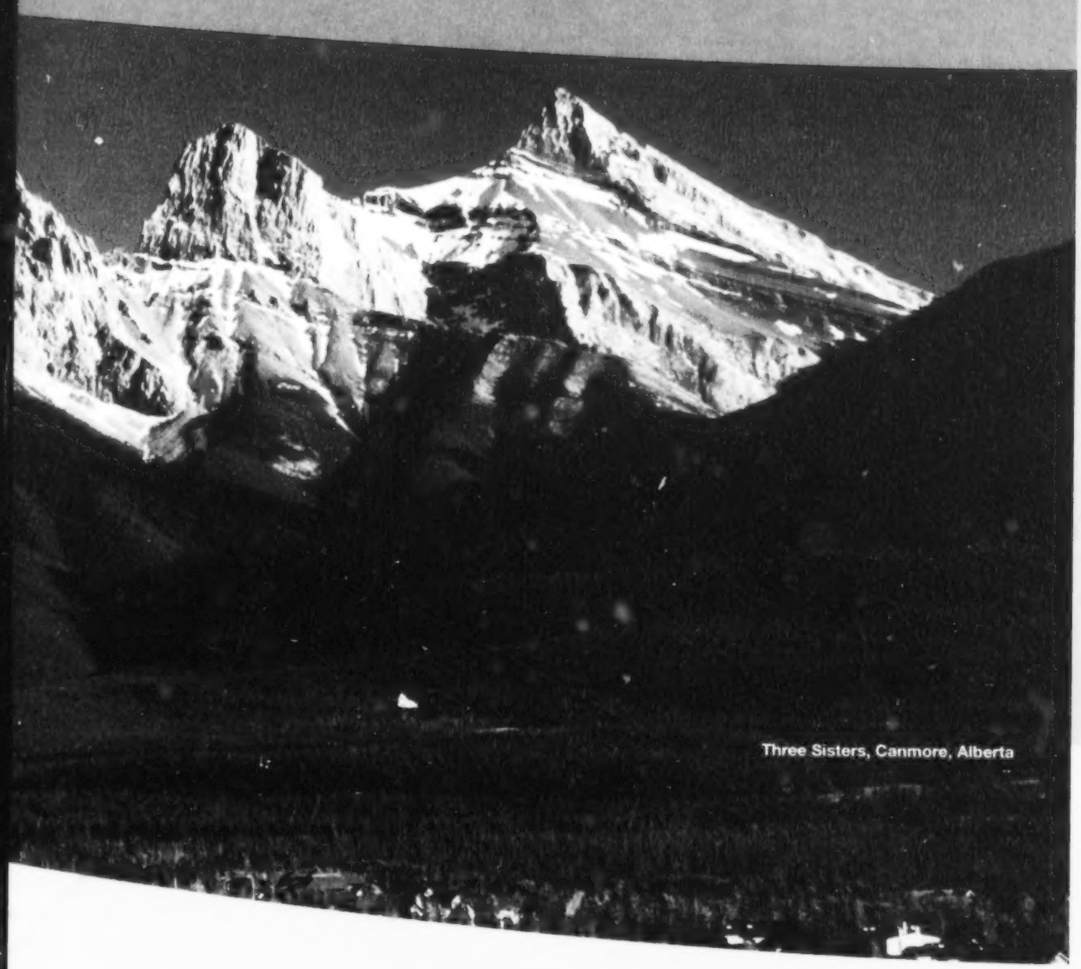
rancher

Jim was raised on a mixed farm and cattle ranch, and co-owns and operates the family's ranch near Cochrane. Jim is past chairman of the Alberta Cattle Commission, has served as a representative with the Canadian Cattlemen's Association, is a member of the Agriculture and Food Council, and is a former member of the Bow Basin Water Quality Council, Action for Agriculture, and the Shell Caroline Livestock Monitoring Committee.

Brady Whittaker, Chair

entrepreneur, environmental consultant

Brady is a former mayor of Whitecourt, Alberta, and former owner of a helicopter services firm that performed environmental assessment surveys, airborne pipeline leak detection and emergency contingency planning. Brady also spent ten years as a staff inspector with the Energy Resources Conservation Board (ERCB) working on oil spill containment, recovery and rehabilitation.



Three Sisters, Canmore, Alberta

Balanced decision-making in the public interest

The board is responsible to all Albertans to make sure that its decisions are impartial, balanced and in the public interest. In considering an application, the board must carefully weigh the interests of the economy, the environment and the community.

How do we do this?

The NRCB carefully reviews all applications to ensure compliance with the provincial and federal legislation and consistency with applicable guidelines. Both the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act* contain principles that support sustainable development and only consider projects that do not pose an environmental risk.

The board carefully weighs the concerns of all parties, including those of rural people, the municipality, the regional health authority, Alberta Environment and other government departments. To help determine if a development is in the public interest, the board may hold public hearings.

A hearing is usually held in the community where the project is proposed so that people who live and work in the area can participate easily. At the hearing, all participants can present evidence, question each other's evidence and make arguments. After the hearing, the board must decide whether the project is in the public interest and if it should be approved.

Board reviews – the *Natural Resources Conservation Board Act*

Since 1991, the NRCB has completed reviews of 11 major natural resource development projects – including forestry, recreation and tourism, mining and water management projects, as well as other projects referred to the board by the provincial cabinet.

The NRCB must decide if these projects are in the public interest by considering their social, economic and environmental effects. Reviews generally involve active participation of community residents, interest groups, government departments and municipal authorities, in addition to applicants. Approvals under the *Natural Resources Conservation Board Act* must be authorized by the Alberta cabinet and are in addition to licenses, permits or approvals required by other acts, regulations or by-laws.

The review process is designed to be fair, public and impartial. The board encourages those who might be affected by a decision to participate in public hearings.

Board decisions on reviews under the *Natural Resources Conservation Board Act* can only be appealed to the Alberta Court of Appeal on questions of law or jurisdiction. The Court must first grant leave to appeal.

In 2004-05, the board issued one decision (Agrium Products Inc.'s phosphogypsum storage extension). The board concluded that a public hearing was not necessary to complete the review of Birch Mountain Resources Ltd.'s application for a limestone quarry in the Fort McMurray region. All decisions are posted on the NRCB's website at [illegible].

Board reviews – the *Agricultural Operation Practices Act*

The board's regulation of Alberta's confined feeding operations began January 1, 2002, when amendments to the *Agricultural Operation Practices Act* came into effect.

Since then, the NRCB has held 39 reviews of decisions affecting confined feeding operations. Decisions are posted on the NRCB's website at [illegible].

Reviews of approval officers' decisions are triggered when either an applicant or a directly affected party asks the board for a review of the decision. Reviews can also be conducted when an operator asks the board to review the requirements of an enforcement order issued by an inspector.

When the board receives a request for review, it must decide whether the issues raised in the request contain sufficient merit to warrant a review. In 2004-05, the board received 63 requests for review relating to 25 files, and conducted 12 reviews.

Reviews are usually public hearings, but the board can also use mediation, meetings or written reviews. In 2004-05, the board resolved three reviews through mediation and one through a written submission without the need for a hearing. Public hearings are held near the proposed project, and most hearings are concluded in one day.

Since 1991 – reviews of major natural resource development projects include:

- **Three Sisters Golf Resorts Inc.** – Three Sisters recreational and tourism project, Canmore
- **Vacation Alberta Corporation** – Westcastle Four Season resort project, Pincher Creek area
- **Chem-Security (Alberta) Ltd.** - Swan Hills special waste treatment centre expansion, Swan Hills
- **Chem-Security (Alberta) Ltd.** - importation of hazardous waste, Swan Hills
- **Consumer's Paper Corp.** - paper recycling facility, Redcliff
- **Alberta Public Works, Supply and Services** - Pine Coulee water management project, Stavely
- **Alberta Public Works, Supply and Services** - Little Bow/Highwood water diversion project, Highwood river
- **United Industrial Services Ltd.** - silica mine, Peace River area
- **Kan-Alta Golf Management Ltd.** - golf course, Evan Thomas Creek, Kananaskis
- **Glacier Power Ltd.** – Dunvegan hydroelectric project, Fairview
- **Agrium Products Inc.** - extension of existing gypsum storage area, Redwater

Frequently asked questions

- What is the mandate of the NRCB?

The NRCB makes decisions about natural resource developments and confined feeding operations. The board is responsible to all Albertans to make sure that its decisions are impartial, balanced and in the public interest. In considering an application, the board must carefully weigh the interests of the economy, the environment and the community.

- What role participate in an NRCB hearing?

The board encourages affected Albertans to participate in reviews, including public hearings. NRCB staff will help anyone unfamiliar with the review process understand how to participate.

- How does the board decide what is in the public interest?

The board hears evidence from the applicant, government agencies, non-governmental organizations and the public, usually in a public hearing. All participants can question the evidence put forward by other participants.

The board weighs the evidence and must decide what is in the public interest. The board documents all matters considered. Its conclusions are posted on the NRCB website at [illegible].

- Can NRCB decisions be appealed?

Decisions under the *Natural Resources Conservation Board Act* can only be appealed to the Alberta Court of Appeal on questions of law or jurisdiction. The Court must first grant leave to appeal.

Statistics ... telling the AOPA story

The public can view applications for confined feeding operations at an NRCB office. Communities are notified, through an NRCB advertisement in a local newspaper, about an operation that proposes to increase its animal numbers. The ad invites the public to submit responses or statements of concern.

The NRCB informs municipalities and other government bodies about applications for confined feeding operations and requests their response before a decision is made.

Decisions of an approval officer may be appealed by the operator or a directly affected party. Appeals must be submitted to the law and reviews division within ten working days of the decision.

Decisions of an inspector may be appealed by the operator but not by a directly affected party.

AOPA defines which parties are directly affected. Their submissions are the only ones that approval officers must consider when they review an application. For example, affected parties on a registration application (smaller size operation) are considered under the Act to be the applicant and neighbours who live within a half-mile radius of the operation.

To ensure fairness and transparency, decision reports identify names of all parties who submit responses to the application. The reports also identify issues the parties submitted and reasons why the parties do or do not qualify for directly affected status. The issues of directly affected parties and how they were addressed by the approval officer are also fully disclosed. Parties that the approval officer does not consider directly affected may appeal to the board to have the officer's ruling reversed.

The average working days from a "technically complete" AOPA application to decision are:
approvals – 64 days
registrations – 56 days
authorizations – 37 days

Decisions made by approval officers are posted on the NRCB website at:

Andrea Brack, approval officer and Elizabeth A... Service Lane Dairies, check out Appel's newly ... cow barn. The barn has received a stamp of ap... NRCB through a post-construction inspection.

Applications received – by region

Applications received – by type of permit

Applications receiving a decision – by type of permit

Applications by species

Statistics ... telling the AOPA story

Did you know?

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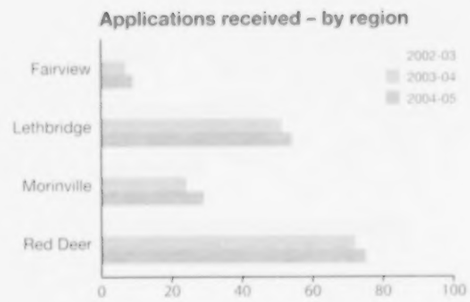
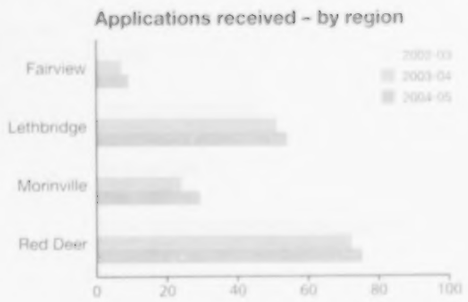
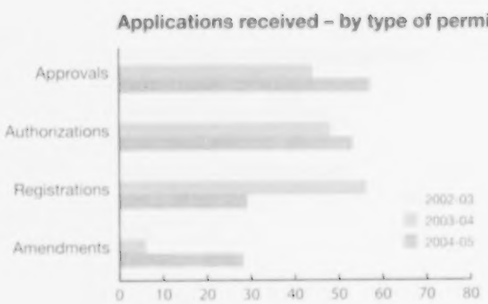
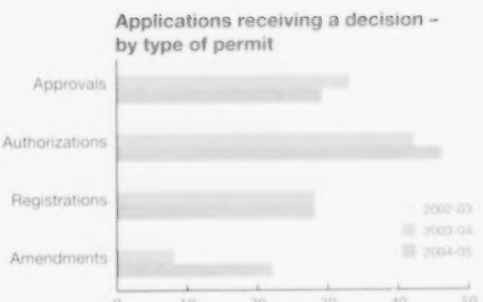
Andrea Brack, approval officer and Elizabeth Appel, Spruce Lane Dairies, check out Appel's newly constructed cow barn. The barn has received a stamp of approval from the NRCB through a post-construction inspection.

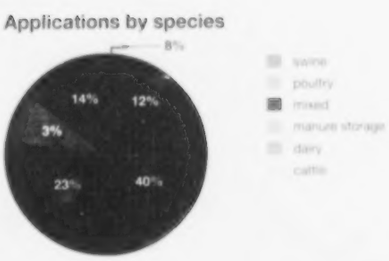
Applications



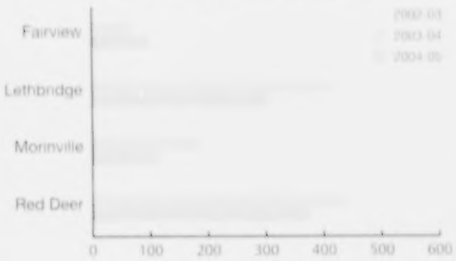




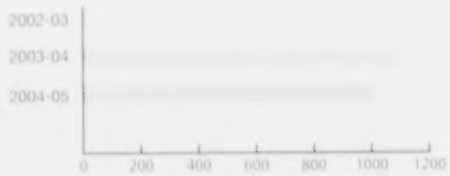




Complaints received by region

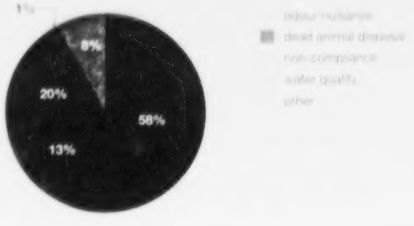


Total complaints by year



Complaints by species

Complaints by type



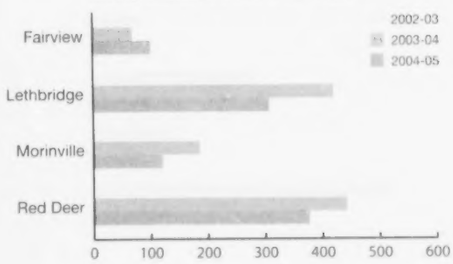
Enforcement orders issued

Risk to environment/inappropriate disturbance	15	4	9
Non-compliance with approval or permit	6	8	14
Non-compliance with regulations	15	10	9

Bastiaan Meijer, owner of Pine Valley Turkey Farm, and Andy Wiersma, inspector, survey the monitoring of a successfully reclaimed long-term manure storage area. Meijer bought the farm one year ago following a major cleanup by the previous owner.

Compliance and Enforcement

Complaints received by region



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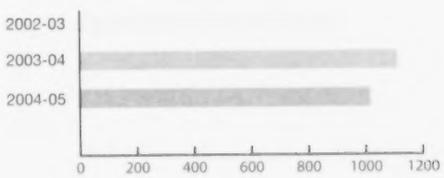
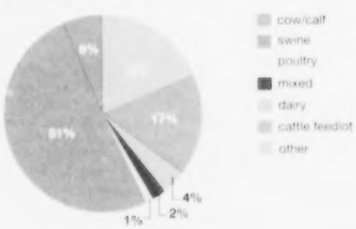


Complaints by species



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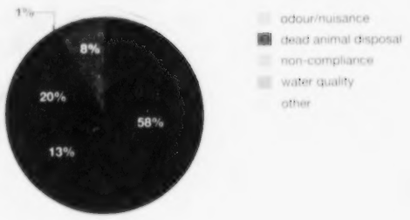

Enforcement orders issued

	2002-2003	2003-2004	2004-2005
Risk to environment/inappropriate disturbance	15	4	9
Non-compliance with approval or permit	6	8	14
Non-compliance with regulations	15	10	9

The compliance and enforcement division has expanded its activities in 2004-05 to provide a more comprehensive and proactive approach to monitoring and enforcement, and to ensure that operations are in compliance with the regulations and the conditions on their permits. The compliance and enforcement division now inspects operations that existed with municipal permits before the *Agricultural Operation Practices Act* came into effect, as well as operations that have AOPA permits. In addition, the division continues to inspect operations in response to complaints. In total, the division inspected 468 operations in 2004-05.

Inspections of NRCB-approved operations (with AOPA permits)

Number of inspections	194
Number of operations inspected	130

Inspections of pre-AOPA operations (with municipal permits)

Number of inspections	129
Number of operations inspected	100

Inspections in response to complaints

Number of inspections	469
Number of operations inspected	238

Eighty per cent of complaints were addressed within ten working days.

Contacts

Looking to the future of Alberta farming

Fairview Regional Office

(left to right) **Vince Murray**, approval officer; **Linda Brazel**, administrative assistant; **Doug Beddome**, inspector.

Lethbridge Regional Office

Back row (left to right) **Bev Brezina**, applications coordinator; **Orin Kenzie**, approval officer; **Sylvia Kaminski**, administrative assistant; **Jim Fujikawa**, soil specialist; **Tim Jespersen**, inspector. **Front row** (left and right): **Myndy Machan**, approval officer; **Karl Ivarson**, inspector; **Kevin Seward**, inspector; **Andy Cumming**, director.

Morinville Regional Office

(left to right) **Kai Ma**, inspector; **Anne Kelly**, administrative assistant; **Randy Bjorklund**, approval officer; **Andy Wierenga**, inspector.

Red Deer Regional Office

Back row (left to right) **Jim McKinley**, inspector; **Barb Hazelton**, inspector; **Andrea Brack**, approval officer; **Alex Bolton**, director (based in Calgary office). **Front row** (left to right) **Scott Cunningham**, approval officer; **Sandi Roberts**, approval officer; **Alasdair MacKinnon**, inspector; **Judy Ireland**, administrative assistant.

NRCB Natural Resources Conservation Board

Email: info@nrcb.gov.ab.ca
Response line: 1-866-383-6722
Web address: www.nrcb.gov.ab.ca

Copies of the *Agricultural Operation Practices Act* and the *Natural Resources Conservation Board Act* can be obtained from the Queen's Printer at **www.qp.gov.ab.ca** or through the NRCB website.

Calgary Office
3rd Floor, 640 5 Avenue S.W.
Calgary AB T2P 3G4
Phone: (403) 662-3990
Fax: (403) 662-3994

Fairview Office
Provincial Building
10209 - 109 Street
Box 159, Fairview AB T0H 1L0
Phone: (780) 835-7111
Fax: (780) 835-3259

Morinville Office
Room 201, Provincial Building
10008 - 107 Street
Morinville AB T8R 1L3
Phone: (780) 939-1212
Fax: (780) 939-3194

Edmonton Office
4th Floor, Sterling Place
9940 - 106 Street
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Phone: (780) 422-1977
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Lethbridge Office
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Phone: (403) 381-5166
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